

Verified Correct Copy of Original 1/27/2017.

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In the Circuit Court of the State Of Oregon  
For the County of Multnomah

17CV03446

Daniel Carroll,

Plaintiff,

Pro Se

Ref: # 16SC48933 and 16SC48934

Complaint

Continued refusal of access to treatment,  
Willful harm by Health Director

Prayer for: \$6000.00

Dated this day of 01-27-2017

V.

Native American Rehabilitation Associations,  
An Oregon Corporation  
DBA: NARA,  
Defendants.

Plaintiffs Alleges:

**Facts:**

At all times mentioned herein Native America Rehabilitation Association of the northwest Inc. hereafter referred to as NARA was a domestic non-profit corporation registered with the state of Oregon and leased the building located at 15.North Morris Street, in Portland, or County of Multnomah and state of Oregon. At all times mentioned herein,

FILED  
17 JAN 27 PM 3:35  
CIRCUIT COURT  
FOR MULTNOMAH COUNTY

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1 Plaintiff Daniel Carroll was a resident of Oregon and resides in the county of Multnomah.

2

3

4 Plaintiff is an enrolled tribal member with the Pueblo of Laguna Tribe. He is also of African  
5 American decent.

6

7

8 Plaintiff in the past had been treated at NARA for the following health reasons:

9 Open Heart Surgery

10 Chronic Asthma

11

12 Torn Achilles hill and other health issues

13

14

15 On approximately 11-30-2014, the plaintiff was told he was no longer going to be treated at  
16 NARA. Plaintiff was never given a reason or told why. Last

17

18 NARA clinic continued to fill the plaintiff up with Pain pills for years without ever telling the  
19 plaintiff the risk of taking the medications.

20

21 After it was clear that all the pain pills "Narcotics" were having a negative effect on the  
22 Plaintiff and after numerous Written Grievance's and request to talk about the effects of  
23 Narcotics, The Health Director simply told Plaintiff after over fifteen years of treatment not  
24 to come back and find another health care provider in 30 adys.

25 Plaintiff wrote an affidavit to NARA and its management pleading to discuss his health issues  
26 and mental state, since Dr. Gowen had then said Stress due to NARAs treatment towards  
27 plaintiffs were causing continued stress. NARA refused to talk about Plaintiff health issues  
and 28 turned their backs on a patient who had attended NARA clinic for almost 20 years.

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1 Plaintiff later received a letter from NARA stating he could come in in a time of emergency.

2 This continued to fill like willful torment after being denied access for reasons that were not  
3 explained verbal or in writing to plaintiff.

4

5 After Plaintiff was willfully kicked out of NARA for unexplained reasons after over 15 years of  
6 treatment for serious health issues, some brought on directly from NARA and its Doctors and  
7 staff which has left the Plaintiff partially disabled for the rest of his life, he started to go to a  
8 new clinic for the pain pills that NARA had prescribed for years.

9

10 Wellness Fushion 2442 S E 101<sup>st</sup> Portland, or and was seen by Dr. Julie Denille.

11

12 On approximately 08-01-2016 Plaintiff showed up at the Wellness Fushion for his regular  
13 appointment. The doors were locked and no one answered the phones. They went out of  
14 business. The Plaintiff called NARA on 08-01-2016 to explain his situation and asked if he  
15 could come into NARA until he found a new provider.

16

17 Plaintiff was denied access by NARA and its Health director.

18

19 Plaintiff then called Providence and explained his situation and told them prior to calling he  
20 had called NARA and was denied access for services that Defendant had started Plaintiff on.

21

22

23 Providence treated Plaintiff in the Emergency Room with prescription pills and set up a plan  
24 for the future.

25

26 On 02-04-2016, Plaintiff notified NARA by written request for additional documents. This  
27 letters was faxed and sent by U.S. mail to: Allyson Lecatsa the Health Director. The letter and  
28 fax continue to be ignored.

29

30 NARA continues to ignore Plaintiffs request for information that could help with his recovery  
31 and mental statues to improving overall health

32 Defendant, NARA has even ignored the request from my previous attorney for written  
33 documents by the Plaintiff to evaluate his mental state of mind.

34

Plaintiff Prayers for the amount of 6000.00

35

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1 The reason for this claim is NARA has willfully violated access for Plaintiff to be seen for a  
2 medical emergency (EMTALA) (42U.S.A. 1395dd).  
3  
4 Defendant's continued violations of my rights as a Native American Indian.  
5  
6 Plaintiff Daniel Carroll hereby declares that the above is true to the best of my knowledge and  
7 belief.  
8  
9 Plaintiff has shown a genuine issue for trial ORCP45B  
10  
11 1973 Bill Of Rights Act, Plaintiff has the right to be informed why a clinic or hospital is  
12 refusing services or being dump on to another clinic.  
13  
14  
15 The Plaintiff has filed a separate claim in the past that has no similarities. The previous  
16 claims were Tort Claims of Malpractice. Although it is clear to all parties involved that the  
17 Defendants have caused harm to Plaintiff which has left him partially disabled for the  
18 remaining of his life, this current claim is separate and should be continued as requested by  
19 the Defendants in a jury trial and remove from Small Claims Court.  
20  
21 Exhibit 1 Certificate of Indian Blood. Registered tribal member  
22 Exhibit 2 Affidavits  
23 Exhibit 3 Letter and fax dated on 02-04-2016. Fax was confirmed  
24  
25 Prior to filing this lawsuit in Small claims Court the defendant did the following to resolve  
26 and to receive documents that NARA refuses to hand over still today which may affect my  
27 treatment:  
28  
29 A) NARA was contacted by the BBB, No response by Defendant  
30 B) Plaintiff filed Multiple Grievance's,  
31 C) Multiple letters by Plaintiff, No response  
32 D) Plaintiff contacted Bureau of Indian Affairs  
33 E) Request for Dr. Gowen to talk to Plaintiff about the long term effects of "Narcotics" that  
34 the Defendants had prescribed, no response by Defendants  
35 F) Plaintiff called the registered agent of NARA, no response from Defendants  
36 G) Plaintiff contacted the Oregon Health Medical Authority

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1 H) Plaintiff requested in writing an administrative hearing and request form. No response  
2 from Defendants

3 I) Plaintiff followed all written documents on Plaintiff, NARAs wall for help to resolve  
4 problems and health concerns. No response by Plaintiff.

5

6

7 These are just some example of what the Plaintiff attempted to do to with NARA to help with  
8 his overall health and future wellbeing. That still affects him today.

9

10

11 Defendant none actions continue to be a risk to Plaintiffs health and recovery and  
12 understanding of Plaintiff mental state of mind.

13

14

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19 A copy of this letter has been sent to NARAs attorney by U.S. Mail to the last known address  
20 and the address presented to the Multnomah Courts.

21

22

23

24

25 The defendant may call with any questions and concerns:

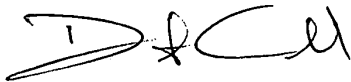
26 Daniel Carroll

27 388 s e 194th apt#239

28 Portland or 97233

29 971-212-2592

Sincerely

A handwritten signature in black ink, appearing to read 'Daniel Carroll', with a stylized flourish at the end.

Daniel Carroll

**PUEBLO OF LAGUNA**  
**P.O. BOX 194**  
**LAGUNA, NEW MEXICO 87026**  
**505-552-6654**

**CERTIFICATE OF INDIAN BLOOD - DESCENDENTS**

TRIBAL ENROLLMENT

DATE 11-05-01

SS# 519-92-1145

DOB: 09-20-67

hereby certify that Cater Daniel Carroll, III is the  
 son of Patricia G. (Ray) Chadwick who is a  
 member of the Pueblo of Laguna Tribe.

Patricia G. (Ray) Chadwick is listed as being 5/8 degree

Indian. Tribal Identification No. 04-1848 (1/2 Laguna, 1/8 Shoshone-Bannock)

Cater Daniel Carroll, III is 5/16 degree Indian.

  
 Authorized Tribal Official

SEAL

Tribal Secretary  
 Title

Exhibit 1 - one

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**Affidavit**

State of Oregon, County of Multnomah

My current legal name is Daniel Carroll, and my current occupation is Sales. I am presently 48 years old, and my current address of residence is 388 S E 194th Apt. 239, Portland, Oregon 97233.

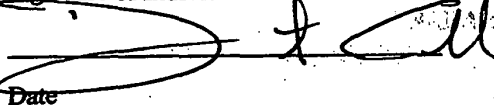
11-12-2014, I Daniel Carroll request a hearing, appeal or reconsideration. on discontinuing my health care from NARA. I'm a tribal member and it would cause a hardship and cruel and undue punishment. I would like to request a formal meeting and hearing from the Federal Government that funds NARA for assisting individuals like myself with extreme need for medical treatment and to receive prescribed medication. I'm currently taking ten different medications daily. To try to attempt to take a three hour round trip to another Federally Funded clinic would cause a real hardship, being I may not have transportation or gas money for such a trip on a monthly basis. As doctor Gowen has recently stated in writing I now have stress that he believes I need to address and may need treatment for. NARA decision to drop me without warning or a reason has caused additional stress. I need my medications for my overall health. This is an extremely stressful matter that I'm confused and scared. Please Reconsider your decision and lets bring in the Federal Government which funds NARA to listen to both sides. If I don't have my medication It could lead to my death.

I was told someone would put in writing if my son was also being refused service. These are serious matters and this is not the time for someone at NARA who has a vendetta against me to put my son and I, health at risk. I don't think I have to mention that CARE Oregon's Insurance has been a nightmare for thousands of Oregonians. At this point I'm not sure what's going on with my health care. If NARA is not going to give me a hearing or consult with the Government or other agencies that fund NARA, I will need at least one to two hours to try to understand what I need to do going forward. The medications I currently take are: 1) Proventil 2) Servent Diskus 3) Qvar 4) Fluticason, 5) Loratadine 6) Amitriptyline 7) Omeprazole 8) I. B. Profin 9) Vicodene, 10) Morphin -15.

I left a message with Rosa today 11-12-14 on my prescription's for November. At this time I have no idea what's going on now or in the future. I would like a form to appeal your decision. Daniel Carroll.

I hereby state that the information above is true, to the best of my knowledge. I also confirm that the information here is both accurate and complete, and relevant information has not been omitted.

Signature of Individual



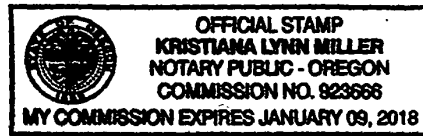
Date

11-12-2014

Exh. 6.12

Notary Public

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Page 2 of 2

*Kristiana Lynn Miller*  
Title And Rank

Notary Public - Oregon

Date Of Commission Expiry

January 09, 2018



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Daniel Carroll  
388 S E 194<sup>th</sup> #239  
Portland, Or 97233  
971-212-2592  
[d-carroll01@hotmail.com](mailto:d-carroll01@hotmail.com)

02-04-2016

Allyson, Lecatsas  
Health Director  
NARA NW  
15 N. Morris St.  
Portland, Or 97212  
503-230-9875

Dear Mrs. Lecatus,

I, Daniel Carroll request all of my written communication to NARA including, grievances, certified letters and all forms of communication I have submitted to NARA while I was a patient.

I have requested this information over eighteen times.

Attorney at law Mr. Mackin has also requested this information.

In the past NARA has provided some documentation leaving out the rest. When I have made a written request for all documents NARA has then provided more documentation but never providing all the information I requested and have been requesting.

This letter has been faxed to: 503-230-9877

This letter has also been mailed by U.S. Mail

Sincerely,



Daniel Carroll

Exhibit 3

2/14/2017 2:18:07 PM  
17CV034461  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

DANIEL CARROLL,

Plaintiff,

v.

NATIVE AMERICAN REHABILITATION  
ASSOCIATION, an Oregon corporation,  
dba NARA,

Defendant.

No. 17CV03446

DEFENDANT'S NOTICE OF  
APPEARANCE

**STOEL RIVES LLP**  
 760 SW Ninth Avenue, Suite 3000, Portland, OR 97205  
 Main 503.224.3380 Fax 503.220.2480

NOTICE IS HEREBY GIVEN that defendant Native American Rehabilitation Association dba NARA ("NARA") intends to enter an appearance in this action through its counsel, Reilley D. Keating and Kelly Knivila of Stoel Rives LLP. This notice is provided without waiving any of NARA's defenses, including but not limited to defenses based on insufficient service of process, statutes of limitations or lack of jurisdiction.

DATED: February 14, 2017.

STOEL RIVES LLP

/s/ Reilley D. Keating  
 REILLEY D. KEATING, OSB No. 073762  
 reilley.keating@stoel.com  
 KELLY KNIVILA, OSB No. 923583  
 kelly.knivila@stoel.com

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **DEFENDANT'S NOTICE OF APPEARANCE** on the following named person(s) on the date indicated below by:

- ☒ mailing with postage prepaid
- ☐ hand delivery
- ☐ facsimile transmission
- ☐ overnight delivery
- ☐ Email

to said person(s) a true copy thereof, contained in a sealed envelope, if by mail, addressed to said person(s) at his or her last-known address(es) indicated below.

Daniel Carroll  
388 S.E. 194th #239  
Portland, OR 97233

DATED: February 14, 2017.

STOEL RIVES LLP

/s/ Reilley D. Keating  
REILLEY D. KEATING, OSB No. 073762  
reilley.keating@stoel.com  
KELLEY KNIVILA, OSB No. 923583  
kelley.knivila@stoel.com

Attorneys for Plaintiff

STOEL RIVES LLP  
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205  
Main (503) 224-3380

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204  
ARBITRATION DEPARTMENT  
503-988-3022, OPTION 3

**Daniel Carroll**  
**vs**  
**Native American Rehabilitation**  
**Association**

**Case No: 17CV03446**

**ORDER TRANSFER TO**  
**ARBITRATION**

**IT IS HEREBY ORDERED** that the above-captioned case be transferred to Multnomah County Arbitration for all purposes.

The parties have 21 days to agree on an arbitrator (from the attached list or otherwise) and a hearing date. The hearing date must be within 91 days from the assignment to arbitration (the date of this order). It is the plaintiff's responsibility to contact the defendant(s) to reach an agreement on an arbitrator, but if the plaintiff is unrepresented, the attorney for the defendant shall take the initiative in the selection process.


If the parties reach an agreement on an arbitrator and a hearing date, they must inform the court of their agreement by the end of the 21 days allowed. The Notice of Selection of Arbitrator and Setting of Date for Hearing form is located on the court's website at [http://courts.oregon.gov/Multnomah/docs/civilcourt/courtmandatoryarbitrationforms\\_30\\_20\\_link8.pdf](http://courts.oregon.gov/Multnomah/docs/civilcourt/courtmandatoryarbitrationforms_30_20_link8.pdf)

If no agreement is reached, each party should submit to the court, with proof of service on the other side, a copy of the list of proposed arbitrators with no more than two names marked off. The court will appoint an arbitrator from the unmarked names on the list.

Unless the parties have agreed otherwise in advance, an appointed arbitrator may charge no more than \$125/per hour, with a maximum fee of \$1,000, which shall be paid in equal shares by the parties.

If any party believes this case should not have been assigned to the arbitration program, that party must file a Motion for Exemption from Arbitration within 14 days of assignment.

February 22, 2017  
Date

  
Nan G. Waller, Presiding Judge

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>th</sup> Ave, Portland, OR 97204  
Arbitration Department  
503-988-3022, Option 3

February 22, 2017

Daniel Carroll  
388 SE 194th #239  
Portland OR 97233

Re: Daniel Carroll vs Native American Rehabilitation Association  
Case #: 17CV03446 Tort - General

**NOTICE OF ASSIGNMENT TO ARBITRATION**

The parties have **21 days** to agree on an arbitrator (from the attached list or otherwise) and a hearing date. The hearing date must be within 91 days from the assignment to arbitration (the date of this notice). It is the plaintiff's responsibility to contact the defendant(s) to reach an agreement on an arbitrator, but if the plaintiff is unrepresented, the attorney for the defendant shall take the initiative in the selection process.

If the parties reach an agreement on an arbitrator and a hearing date, they must inform the court of their agreement by the end of the 21 days allowed. The Notice of Selection of Arbitrator and Setting of Date for Hearing form is located on the court's website at [http://courts.oregon.gov/Multnomah/docs/CivilCourt/CourtMandatoryArbitrationForms\\_3020\\_Link8.pdf](http://courts.oregon.gov/Multnomah/docs/CivilCourt/CourtMandatoryArbitrationForms_3020_Link8.pdf)

If no agreement is reached, each party should submit to the court, with proof of service on the other side, a copy of the list of proposed arbitrators with no more than two names marked off. The court will appoint an arbitrator from the unmarked names on the list.

Unless the parties have agreed otherwise in advance, an appointed arbitrator may charge no more than \$125/per hour, with a maximum fee of \$1,000, which shall be paid in equal shares by the parties.

If any party believes this case should not have been assigned to the arbitration program, that party must file a Motion for Exemption from Arbitration within 14 days of assignment.

If a language or sign interpreter is needed for arbitration, the interpreter will be provided under ORS 45.275, and MUST be scheduled by Interpreter Services <http://courts.oregon.gov/CIS> UTCR 7.070 requires you to make the request at least four business days in advance of the scheduled proceeding.



Oregon Judicial Department  
Fourth Judicial District

February 21, 2017

Randomly Selected Arbitrators For This Case:

17CV03446

Page 1 of 1

IF THE PARTIES ARE UNABLE TO AGREE ON AN ARBITRATOR AND A HEARING DATE WITHIN THE 21 DAYS ALLOWED, EACH PARTY SHOULD RETURN THEIR COPY OF THIS FORM TO THE COURT. EACH PARTY MAY STRIKE NO MORE THAN TWO NAMES. DO NOT MARK PREFERRED NAMES, MARK ONLY THOSE YOU OBJECT TO. STRIKES MUST BE REPORTED TO THE COURT WITHIN THE ALLOWED 21 DAYS OR THEY WILL NOT BE CONSIDERED WHEN THE COURT APPOINTS AN ARBITRATOR.

**Leiberan, Margaret H Leek**  
Jensen & Leiberan PC  
10300 SW Greenburg Rd Ste 300

*Phone No:* 503 641-7990  
*Fax No:*  
*EMail:* leiberan@jensen-leiberan.com  
*Bar Number:* 770468

Portland OR 97223

**DUMAS, GILION C**  
Dumas Law Group  
516 SE Morrison St Ste 309

*Phone No:* 503 952-6789  
*Fax No:*  
*EMail:* gilion@dumaslawgroup.com  
*Bar Number:* 922932

Portland OR 97214

**HAILE, BENJAMIN WRIGHT**  
Portland Law Collective  
1130 SW Morrison Ste 407

*Phone No:* 503 228-1889  
*Fax No:* 503-223-4518  
*EMail:* ben@portlandlawcollective.com  
*Bar Number:* 040660

Portland OR 97205

**WRAY, DEANNA L**  
Bodyfelt Mount LLP  
319 SW Washington St Ste 1200

*Phone No:* 503 243-1022  
*Fax No:*  
*EMail:* wray@bodyfeltmount.com  
*Bar Number:* 974423

Portland OR 97204

**SCHROER, JANET M**  
HART WAGNER LLP  
1000 SW BROADWAY STE 2000

*Phone No:* 503 222-4499  
*Fax No:* 503-222-2301  
*EMail:* jms@hartwagner.com  
*Bar Number:* 813645

PORTLAND OR 97205

**THAYER, WILLIAM K**  
SCHAUERMANN THAYER JACOBS  
1700 E 4TH PLAIN BLVD

*Phone No:* 360 695-4244  
*Fax No:* 360-696-0583  
*EMail:* billt@stjs.com  
*Bar Number:* 066900

VANCOUVER WA 98661

**KNOWLES, JOHN S**  
Brisbee & Stockton LLC  
139 NE Lincoln St  
PO Box 567  
Hillsboro

*Phone No:* 503 648-6677  
*Fax No:*  
*EMail:* jsk@brisbeeandstockton.com  
*Bar Number:* 940354

OR 97123

Count of selected arbitrators for this case number:

7

3/7/2017 4:25:43 PM  
17CV03446

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## IN THE CIRCUIT COURT OF THE STATE OF OREGON

5

## FOR THE COUNTY OF MULTNOMAH

6 DANIEL CARROLL,

7

Plaintiff,

No. 17CV03446

8

v.

DEFENDANT'S MOTION FOR  
EXTENSION OF TIME TO SELECT AN  
ARBITRATOR

9

NATIVE AMERICAN REHABILITATION  
ASSOCIATION, an Oregon corporation,  
10 dba NARA,

11

Defendant.

12

13

**MOTION**

14

Defendant Native American Rehabilitation Association of the Northwest, Inc.

15

("NARA") requests that the Court extend the time for NARA to select an Arbitrator.

16

Specifically, NARA requests that the Court grant an additional 60 days, or until May 15,

17

2017, to select an arbitrator. This motion is supported by the following points and authorities

18

and the declaration of Reilley D. Keating ("Keating Decl.").

19

**POINTS AND AUTHORITIES**

20

On November 30, 2016, plaintiff Daniel Carroll ("Plaintiff") filed two complaints in

21

the Multnomah County Small Claims Department—Case Nos. 16SC48933 and 16SC48934

22

(the "Small Claims Cases"). On December 19, 2016, NARA filed a Motion to Dismiss or,

23

Alternatively, Consolidate each of the Small Claims Cases and, if not dismissed, requested a

24

jury trial in both cases. On December 29, 2016, Multnomah County Circuit Court Judge

25

Steven A. Todd entered orders (the "Orders") in both of the Small Claims Cases granting the

26

motion to consolidate, denying the motion to dismiss, and transferring the cases to the Circuit

1 Court. (*See* Keating Decl., Ex. 1.) Also by letter dated December 29, 2016, the court clerk  
 2 provided notice to Plaintiff that each of the Small Claims Cases was being transferred to  
 3 circuit court and, consistent with ORS 46.465(3), provided that Plaintiff had 20 days to file a  
 4 formal complaint with the court. (*See* Keating Decl., Ex. 2.) The Orders, however, each  
 5 stated that Plaintiff had 30 days to file a formal complaint with the circuit court. (*See*  
 6 Keating Decl., Ex. 1.)

7 On January 27, 2017, Plaintiff filed the Complaint in this action.<sup>1</sup> No separate proof  
 8 of service was filed, as required by ORS 46.465(3), and NARA does not have a record of  
 9 having received a copy of the Complaint at the address listed in the motions to dismiss  
 10 NARA filed in the Small Claims Cases. However, NARA independently learned that the  
 11 Complaint had been filed and, out of an abundance of caution and without waiver of any  
 12 objections (including improper service), NARA's attorneys filed a Notice of Appearance on  
 13 February 14, 2017. NARA's counsel then received a copy of the Complaint on February 15,  
 14 2017 via certified mail. (Keating Decl. ¶ 4.)

15 NARA has submitted a copy of the Complaint to the U.S. Department of Health and  
 16 Human Services ("DHHS") for a determination as to whether the allegations in the  
 17 Complaint fall within the scope of coverage provided to NARA under the Federal Tort  
 18 Claims Act. 42 U.S.C. § 233(c); 28 C.F.R. § 15.4. (Keating Decl. ¶ 5.) If DHHS determines  
 19 that it does, then the action may be deemed a tort action brought against the United States  
 20 under the Federal Tort Claims Act, and the United States of America would have grounds to  
 21 assume defense of the matter and remove this action to federal court. *See* 42 U.S.C. § 233(c).

22

23

24

25

26 <sup>1</sup> The Complaint was filed 29 days after the mailing of the clerk's notice of NARA's demand  
 for a jury trial. Thus, the Complaint was not timely filed in accordance with ORS 46.465(3).



1 It is NARA's understanding that DHHS requires at least 60 days to review relevant  
2 documents and make its determination. Therefore, NARA requests a 60-day extension of  
3 time, or until May 15, 2017, for the parties to select an arbitrator.

4

5 DATED: March 7, 2017.

6 STOEL RIVES LLP

7

8

/s/ Reilley D. Keating

9

REILLEY D. KEATING, OSB No. 073762

10

reilley.keating@stoel.com

11

KELLY KNIVILA, OSB No. 923583

12

kelly.knivila@stoel.com

13

Attorneys for Defendant

14

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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **DEFENDANT'S MOTION FOR  
EXTENSION OF TIME TO SELECT AN ARBITRATOR** on the following named  
person(s) on the date indicated below by:

- ☒ mailing with postage prepaid  
☐ hand delivery  
☐ facsimile transmission  
☐ overnight delivery  
☐ Email  
☒ notice of electronic filing using the Odyssey system

Daniel Carroll  
388 SE 194th Ave., #239  
Portland, OR 97233

DATED: March 7, 2017.

STOEL RIVES LLP

/s/ Reilley D. Keating  
REILLEY D. KEATING, OSB NO. 073762  
reilley.keating@stoel.com  
KELLY KNIVILA, OSB NO. 923583  
kelly.knivila@stoel.com

Attorneys for Defendant

**STOEL RIVES LLP**  
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205  
Main (503) 224-3380 Fax (503) 220-2480

3/7/2017 4:25:43 PM  
17CV03446

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## IN THE CIRCUIT COURT OF THE STATE OF OREGON

5

## FOR THE COUNTY OF MULTNOMAH

6 DANIEL CARROLL,

7

Plaintiff,

No. 17CV03446

8

v.

DECLARATION OF REILLEY D.  
KEATING IN SUPPORT OF  
DEFENDANT'S MOTION FOR  
EXTENSION OF TIME TO SELECT AN  
ARBITRATOR9 NATIVE AMERICAN REHABILITATION  
ASSOCIATION, an Oregon corporation,  
10 dba NARA,

11

Defendant.

12

13

I, REILLEY D. KEATING, declare under penalty of perjury the following:

14

1. I am attorney in the Portland office of Stoel Rives LLP. My firm represents

15

Native American Rehabilitation Association of the Northwest, Inc. ("NARA") in the above-

16

captioned matter. I make this declaration based on personal knowledge or information

17

provided to me by others, which I believe to be true and correct. I am over the age of 18 and

18

am competent to testify to the matters stated herein.

19

2. Attached hereto as Exhibit 1 are true and correct copies of Orders dated

20

December 29, 2016, in the cases captioned, *Daniel Carroll v. Native American Rehabilitation*

21

*Associate*, Multnomah County Circuit Court, Case No. 16SC48933 (the "933 Small Claims

22

Court Case"), and *Daniel Carroll v. Native American Rehabilitation Associate*, Multnomah

23

County Circuit Court, Case No. 16SC48934 (the "934 Small Claims Court Case").

24

3. Attached hereto as Exhibit 2 are letters dated December 29, 2016 titled,

25

"Notice of Transfer to Circuit Court: Defendant's Request for a Jury Trial" and issued in the

26

933 Small Claims Court Case and the 934 Small Claims Court Case.

/s/ Reilley D. Keating  
Reilley D. Keating, OSB No. 073762

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW Fourth Avenue Portland Oregon 97204

**Case No:** 16SC48933

Daniel Carroll

Plaintiff

v.

Native American Rehabilitation Association

Defendant

**ORDER**

**The court orders:**

**Defendant's motion to consolidate this case with 16SC48934 is granted.  
Defendant's motion to dismiss is denied with leave to renew it if and when that  
may be appropriate.**

**Defendant has demanded a jury trial and has requested this case be moved to  
general circuit court jurisdiction. Plaintiff shall have 30 days to file a formal  
complaint and otherwise comply with ORS 46.465 (3).**

Signed: 12/29/2016 11:06:44 AM



**Circuit Court Judge Steven A. Todd**

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW Fourth Avenue Portland Oregon 97204

**Case No:** 16SC48934

Daniel Carroll

Plaintiff

v.

Native American Rehabilitation Association

Defendant

**ORDER**

**The court orders:**

**Defendant's motion to consolidate this case with 16SC48933 is granted.  
Defendant's motion to dismiss is denied with leave to renew it if and when that  
may be appropriate.**

**Defendant has demanded a jury trial and has requested this case be moved to  
general circuit court jurisdiction. Plaintiff shall have 30 days to file a formal  
complaint and otherwise comply with ORS 46.465 (3).**

Signed: 12/29/2016 11:04:08 AM



**Circuit Court Judge Steven A. Todd**

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW Fourth Avenue Portland Oregon 97204  
503-988-3022, option 1 <http://courts.oregon.gov/multnomah>

December 29, 2016

Daniel Carroll  
388 SE 194th #239  
Portland OR 97233

Re: Daniel Carroll vs Native American Rehabilitation Association  
Case #: 16SC48933 Case Type: Small Claims - General

**Notice of Transfer to Circuit Court: Defendant's Request for a Jury Trial**

In the case listed above, the **Defendant(s)** has requested a jury trial. From the day this notice is mailed, you have 20 days to\*:

1. File a formal complaint with the court
2. Serve the defendant by mail a summons and copy of the complaint at the address the defendant submitted to the court
3. File the certificate of service with the court
4. Pay additional filing fees

\*\*The formal complaint is not limited to the amount claimed in the small claim, but if it is increased, the request should be the same matter.

**If all of the steps above are not completed, the case will be returned to small claims court, reinstated, and dismissed.**

\*Pursuant to ORS 46.465

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW Fourth Avenue Portland Oregon 97204  
503-988-3022, option 1 <http://courts.oregon.gov/multnomah>

December 29, 2016

Daniel Carroll  
388 SE 194th #239  
Portland OR 97233

Re: Daniel Carroll vs Native American Rehabilitation Association  
Case #: 16SC48934 Case Type: Small Claims - General

**Notice of Transfer to Circuit Court: Defendant's Request for a Jury Trial**

In the case listed above, the **Defendant(s)** has requested a jury trial. From the day this notice is mailed, you have 30 days to\*:

1. File a formal complaint with the court
2. Serve the defendant by mail a summons and copy of the complaint at the address the defendant submitted to the court
3. File the certificate of service with the court
4. Pay additional filing fees

\*\*The formal complaint is not limited to the amount claimed in the small claim, but if it is increased, the request should be the same matter.

**If all of the steps above are not completed, the case will be returned to small claims court, reinstated, and dismissed.**

\*Pursuant to ORS 46.465



**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **DECLARATION OF REILLEY D. KEATING IN SUPPORT OF DEFENDANT'S MOTION FOR EXTENSION OF TIME TO SELECT AN ARBITRATOR** on the following named person(s) on the date indicated below by:

- ☒ mailing with postage prepaid
- ☐ hand delivery
- ☐ facsimile transmission
- ☐ overnight delivery
- ☐ Email
- ☒ notice of electronic filing using the Odyssey system

Daniel Carroll  
388 SE 194th Ave., #239  
Portland, OR 97233

DATED: March 7, 2017.

STOEL RIVES LLP

/s/ Reilley D. Keating  
REILLEY D. KEATING, OSB NO. 073762  
reilley.keating@stoel.com  
KELLY KNIVILA, OSB NO. 923583  
kelly.knivila@stoel.com

Attorneys for Defendant

**STOEL RIVES LLP**  
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205  
Main (503) 224-3380 Fax (503) 220-2480

03-07-2017

4TH JUDICIAL DIST.

17 MAR 10 AM 9:31

FILED

Verified Correct Copy of Original 3/10/2017

Daniel Carroll

388 S.E 194th #239

Portland, OR 97233

971-212-2592

17CV03446  
ABRN  
Arbitration - Response  
6781886



Re: Daniel Carroll vs. Native American  
Case # 17CV03446 Rehabilitation Forum

To the Circuit Court of the State of Oregon  
For The County of Multnomah

Notice of Assignment to Arbitration

The defendant's Attorneys have not made  
an attempt to contact me to try and  
select an Arbitrator, I have enclosed  
Two names that I have marked off the  
list.

Thank you.  
D. A. Carroll

NOTE: I have sent a letter to the Attorneys  
Representing NARA - based on this letter.  
with this copy sent. Also marked off names.

Verified Correct Copy of Original 3/10/2017

# FAX

TO: \_\_\_\_\_ From: \_\_\_\_\_

Fax: \_\_\_\_\_ Pages: \_\_\_\_\_

Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Re: \_\_\_\_\_ CC: \_\_\_\_\_

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Comments:

Other Side Please

03-00 0017

Daniel Carroll  
388 S.E. 194th #239  
Patterson, OK 97233  
971-212-2592

Attn: Reilly D. Keating  
Steel River LLP  
760 S.W. 9th Ave. Ste 3000  
Patterson, OK 97205

Re: Daniel Carroll vs. Native American Rehabilitation  
Association  
Case # 17CV03446

Dear Mr. Keating " I have turned in my  
selection to the assignment of Arbitration.

If you would like to share with me your  
choice, you may contact me at 971-212-2592  
Maybe we can agree o

Thds.

DA Carroll

Verified Correct Copy of Original 3/10/2017



Oregon Judicial Department  
Fourth Judicial District

February 21, 2017

Verified Correct Copy of Original 3/10/2017.

Randomly Selected Arbitrators For This Case:

17CV03446

Page 1 of 1

IF THE PARTIES ARE UNABLE TO AGREE ON AN ARBITRATOR AND A HEARING DATE WITHIN THE 21 DAYS ALLOWED, EACH PARTY SHOULD RETURN THEIR COPY OF THIS FORM TO THE COURT. EACH PARTY MAY STRIKE NO MORE THAN TWO NAMES. DO NOT MARK PREFERRED NAMES, MARK ONLY THOSE YOU OBJECT TO. STRIKES MUST BE REPORTED TO THE COURT WITHIN THE ALLOWED 21 DAYS OR THEY WILL NOT BE CONSIDERED WHEN THE COURT APPOINTS AN ARBITRATOR.

**Leiberan, Margaret H Leek**  
Jensen & Leiberan PC  
10300 SW Greenburg Rd Ste 300

Phone No: 503 641-7990  
Fax No:  
EMail: leiberan@jensen-leiberan.com  
Bar Number: 770468

Portland OR 97223

**DUMAS, GILION C**  
Dumas Law Group  
516 SE Morrison St Ste 309

Phone No: 503 952-6789  
Fax No:  
EMail: gilion@dumaslawgroup.com  
Bar Number: 922932

Portland OR 97214

**HAILE, BENJAMIN WRIGHT**  
Portland Law Collective  
1130 SW Morrison Ste 407

Phone No: 503 228-1889  
Fax No: 503-223-4518  
EMail: ben@portlandlawcollective.com  
Bar Number: 040660

Portland OR 97205

~~**WRAY, DEANNA L**~~  
~~Bodyfelt Mount LLP~~  
~~319 SW Washington St Ste 1200~~

~~Phone No: 503 243-1022~~  
~~Fax No:~~  
~~EMail: wray@bodyfeltmount.com~~  
~~Bar Number: 974423~~

~~Portland OR 97204~~

~~**SCHROER, JANET M**~~  
~~HART WAGNER LLP~~  
~~1000 SW BROADWAY STE 2000~~

~~Phone No: 503 222-4499~~  
~~Fax No: 503-222-2301~~  
~~EMail: jms@hartwagner.com~~  
~~Bar Number: 813645~~

~~PORTLAND OR 97205~~

**THAYER, WILLIAM K**  
SCHAUERMANN THAYER JACOBS  
1700 E 4TH PLAIN BLVD

Phone No: 360 695-4244  
Fax No: 360-696-0583  
EMail: billt@stjs.com  
Bar Number: 066900

VANCOUVER WA 98661

**KNOWLES, JOHN S**  
Brisbee & Stockton LLC  
139 NE Lincoln St  
PO Box 567  
Hillsboro

Phone No: 503 648-6677  
Fax No:  
EMail: jsk@brisbeeandstockton.com  
Bar Number: 940354

OR 97123

Count of selected arbitrators for this case number:

7

Verified Correct Copy of Original 3/15/2017.

**IN The Circuit Court Of The State Of Oregon  
For The County Of Multnomah**

FILED  
17 MAR 13 PM 3:19  
CIRCUIT COURT  
FOR MULTNOMAH COUNTY

**Daniel Carroll,  
Plaintiff**

**Case No. 17cv03446**

**Plaintiff's Motion For  
Denial Of Extension To Select  
An Arbitrator**

**V.**

**Native American Rehabilitation  
Association, an Oregon Corporation,  
Dba NARA  
Defendant**

**Motion**

Plaintiff, request a denial of time to the defendants and ask the courts to move forward with the 21 day time frame given to both parties to select an arbitrator or provide the courts with two names marked off the given list.

The original claim was filed in small claims court in the county of Multnomah. The claim is within the statute of limitations and is a valid claim

It was the defendants wish to take this claim out of small claims court.

The defendants law firm has seasoned attorneys with unlimited resources and money going up against pro se, none attorney (Daniel Carroll) with limited resources. If Plaintiff is and has followed the courts decisions to move forward with arbitration, so should the defendants.

Plaintiff objects to the defendants attorneys willfully trying to line their pockets and causing delay without merits. I hope they don't need time to try to bribe anyone or falsify the facts.

17CV03446  
MO  
Motion  
6800317



Verified Correct Copy of Original 3/15/2017.

It is Plaintiffs understanding that all small claims cases in Multnomah County fewer than 10.000 do have a right to be tried in court without prejudice and without combination.

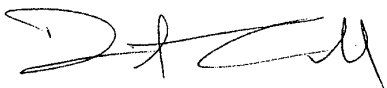
Since the courts have moved to combine and move forward with arbitration, Plaintiff agrees.

To: the Honorable Judge,

I pray you move for an immediate continuance.

A copy of this letter has been sent to the attorneys of NARA at:

Stoel and Rives llp  
760 S W 9<sup>th</sup> Ave. Suite 3000  
Portland, Or 97233

A handwritten signature in black ink, appearing to read 'Daniel Carroll', with a stylized, cursive script.

Daniel Carroll

3/15/2017 3:59:38 PM  
17CV03446

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## IN THE CIRCUIT COURT OF THE STATE OF OREGON

5

## FOR THE COUNTY OF MULTNOMAH

6 DANIEL CARROLL,

7

Plaintiff,

No. 17CV03446

8

v.

DEFENDANT'S RESPONSE TO: (1)  
PLAINTIFF'S RESPONSE REGARDING  
ARBITRATOR SELECTION AND (2)  
PLAINTIFF'S MOTION FOR DENIAL  
OF EXTENSION TO SELECT AN  
ARBITRATOR9 NATIVE AMERICAN REHABILITATION  
ASSOCIATION, an Oregon corporation,  
10 dba NARA,

11

Defendant.

12

13 Defendant Native American Rehabilitation Association of the Northwest, Inc.

14 ("NARA") submits the following response to the document filed by Plaintiff Daniel Carroll

15 ("Plaintiff") on March 10, 2017 regarding the selection of an arbitrator and his "motion" for

16 denial of extension of an arbitrator filed on March 13, 2017.

17 On March 7, 2017, NARA filed a motion seeking an extension of the time for the

18 parties to select an arbitrator because NARA has submitted the Complaint to the U.S.

19 Department of Health and Human Services for a determination as to whether this action may

20 be deemed a tort action brought against the United States under the Federal Tort Claims Act.

21 If this action may be so deemed, then the United States may have grounds to remove the case

22 to federal court.

23 Once the parties have selected an arbitrator, the arbitration process necessarily will

24 commence and the parties will incur costs in connection with that process. These costs

25 would be unnecessary, however, if the United States determines that it has grounds to remove

26 this case to federal court. Accordingly, in the interests of judicial economy and fairness, and



1 to preserve resources, the Court should rule on NARA's motion before requiring the parties  
 2 to select an arbitrator. If NARA's motion is granted, then the selection deadline will be  
 3 extended. If the motion is not granted, then NARA requests a reasonable amount of time to  
 4 submit a response or confer with Plaintiff regarding the arbitrators whom NARA would be  
 5 willing to select. If the Court decides that an arbitrator must be selected now, from the list  
 6 provided by the Court and after consideration of Plaintiff's submitted response, NARA  
 7 would agree to the appointment of Margaret H. Leek Leiberan as the arbitrator.

8 Finally, Plaintiff apparently filed a "Motion for Denial of Extension to Select an  
 9 Arbitrator" on March 13, 2017. That "motion" appears to be a response to NARA's motion  
 10 seeking an extension of time to select an arbitrator and reflects Plaintiff's misunderstanding  
 11 of NARA's request. NARA is not asking that this case, if it remains in Circuit Court, to not  
 12 be subject to the mandatory arbitration rules. Rather, NARA is asking for additional time  
 13 before the parties must select an arbitrator because of the possibility that this case may be  
 14 removed to federal court.

15 DATED: March 15, 2017.

16 STOEL RIVES LLP

17  
 18 /s/ Reilley D. Keating  
 REILLEY D. KEATING, OSB No. 073762  
 reilley.keating@stoel.com  
 19 KELLY KNIVILA, OSB No. 923583  
 kelly.knivila@stoel.com  
 20

21 Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **DEFENDANT'S RESPONSE TO : (1)**  
**PLAINTIFF'S RESPONSE REGARDING ARBITRATOR SELECTION AND (2)**  
**PLAINTIFF'S MOTION FOR DENIAL OF EXTENSION TO SELECT AN**  
**ARBITRATOR** on the following named person(s) on the date indicated below by:

- ☒ mailing with postage prepaid  
☐ hand delivery  
☐ facsimile transmission  
☐ overnight delivery  
☐ Email  
☒ notice of electronic filing using the Odyssey system

Daniel Carroll  
388 SE 194th Ave., #239  
Portland, OR 97233

DATED: March 15, 2017.

STOEL RIVES LLP

/s/ Reilley D. Keating  
REILLEY D. KEATING, OSB NO. 073762  
reilley.keating@stoel.com  
KELLY KNIVILA, OSB NO. 923583  
kelly.knivila@stoel.com

Attorneys for Defendant

**STOEL RIVES LLP**  
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205  
Main (503) 224-3380 Fax (503) 220-2480

Verified Correct Copy of Original 3/23/2017.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH**

41<sup>st</sup> JUDICIAL DIST.  
17 MAR 22 PM 1:30  
FILED

**Daniel Carroll**  
**Plaintiff,**

**PRO SE**  
**No. 17cv03446**

**V.**

**PLAINTIFF'S 2nd MOTION  
FOR DENIAL OF EXTENSION**

**NATIVE AMERICAN REHABILITATION  
ASSOCIATION (NARA),  
Defendant**

The plaintiff requests the courts to refuse the defendants second motion for extension of time.

The defendants had this case removed from small claims court several month ago and should be ready for any recommendations by the courts.

Defendants had over three months to prepare and have questions answered by the United States or any other agencies. Plaintiff argument is that the defendant has a high powered law firm with unlimited resources and knowledge and it is not reasonable to continue to ask for more time against a non-attorney, pro se (Daniel Carroll).

Plaintiff, request for a continuance of the courts with arbitration.

The defendants claim of trying to save me money that would be lost? If the defendants were truly interested in my welfare we wouldn't be a need for either side to file any motions.

A copy of this motion has been sent by U. S. Mail, to: Stoel,Rives LLP760 s w 9<sup>th</sup> ave. Portland, or 97205

On 03-07-2017, I sent the courts and Stoel, Rives LLP a copy of two names marked off the list for arbitration provided by The Circuit Courts.

DATED: MARCH 20, 2017

Daniel Carroll (Pro Se)

17CV03446  
MO  
Motion  
6866680



4/6/2017 4:41:17 PM  
17CV03446

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## IN THE CIRCUIT COURT OF THE STATE OF OREGON

5

## FOR THE COUNTY OF MULTNOMAH

6 DANIEL CARROLL,

7

Plaintiff,

No. 17CV03446

8

v.

DEFENDANT'S RESPONSE TO  
PLAINTIFF'S SECOND MOTION FOR  
DENIAL OF EXTENSION

9

NATIVE AMERICAN REHABILITATION  
ASSOCIATION, an Oregon corporation,  
dba NARA,

10

11

Defendant.

12

13

Defendant Native American Rehabilitation Association of the Northwest, Inc.

14

("NARA") submits the following response to the document filed by Plaintiff Daniel Carroll

15

("Plaintiff") on March 22, 2017 titled "Plaintiff's 2nd Motion for Denial of Extension."

16

NARA was diligent in its efforts to contact the U.S. Department of Health and

17

Human Services ("DHHS") and begin the process of submitting Plaintiff's complaint and

18

certain documentation for a determination as to whether this action may be deemed a tort

19

brought against the United States under the Federal Tort Claims Act. It is NARA's

20

understanding that DHHS requires *at least* 60 days to review those documents (all of which

21

have been submitted) and make its determination. It is more than reasonable to delay the

22

selection of an arbitrator until DHHS has had sufficient time to make its decision, which

23

could result in a basis for removing this case to federal court. NARA's motion is brought in

24

good faith and with the objective of preserving the parties' and the court's resources, not to

25

cause undue delay in these proceedings.

26

1 NARA has not requested that its March 7, 2017, motion be scheduled for hearing, but  
2 NARA is willing to schedule a hearing if the Court so desires. Further, on April 4, 2017,  
3 NARA served a proposed order with respect to its motion on Plaintiff and will submit it to  
4 the Court in accordance with UTCR 5.100.

5 DATED: April 6, 2017.

STOEL RIVES LLP

6  
7  
8 /s/ Reilley D. Keating  
REILLEY D. KEATING, OSB No. 073762  
reilley.keating@stoel.com  
9 KELLY KNIVILA, OSB No. 923583  
kelly.knivila@stoel.com  
10

Attorneys for Defendant  
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STOEL RIVES LLP  
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205  
Main 503.224.3380 Fax 503.220.2480

**CERTIFICATE OF SERVICE**

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I hereby certify that I served the foregoing **DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND MOTION FOR DENIAL OF EXTENSION** on the following named person(s) on the date indicated below, to said person(s) a true copy thereof, contained in a sealed envelope if by mail, addressed to said person(s) at his or her last-known address(es) indicated below.

- ☒ mailing with postage prepaid  
☐ hand delivery  
☐ facsimile transmission  
☐ overnight delivery  
☐ email

Daniel Carroll  
388 S.E. 194th #239  
Portland ,OR 97233

DATED: April 6, 2017.

/s/ Reilley D. Keating  
REILLEY D. KEATING, OSB No. 073762  
reilley.keating@stoel.com  
KELLEY KNIVILA, OSB No. 923583  
Kelley.kivila@stoel.com

Attorney for Plaintiff